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TAGS: [ASEAN](#) [PREL](#) [PGOV](#) [ID](#)

SUBJECT: U.S. Visas for ASEAN Officials: Time for Change

¶1. (U) This is an action request. See paragraph 8.

¶2. (SBU) Summary: Secretary Clinton's historic February visit to the Association of Southeast Asian Nations (ASEAN) Secretariat (ASEC) in Jakarta reflected a deepening U.S. relationship with ASEAN. The United States is a Dialogue Partner of ASEAN and was the first country to designate an Ambassador to ASEAN. However, ASEC officials are ineligible to receive the official visas that are routinely issued to the staff of international organizations. If Congress extended to ASEAN all privileges and immunities under the International Organizations Immunities Act, that would not only be a smart political move, it would also ease the visa process for ASEC officials. End Summary.

Current Visa Rules Frustrate ASEC

¶3. (SBU) Currently, ASEC officials applying for a visa to the United States for official travel are required to show up for an interview and fingerprinting, and pay the visa fee of \$131 if they do not hold an official passport. This is because ASEAN is not recognized as an eligible entity under the International Organizations Immunities Act. The President cannot issue an executive order designating ASEAN under the Act, because the United States is not a member state. ASEC officials find this frustrating at best, and question why U.S. visa rules do not acknowledge an organization representing the 10 ASEAN countries. They point out that the newly adopted ASEAN Charter gives ASEAN a legal personality and formalizes it as an international organization. In addition, Secretary Clinton announced during her historic February visit to ASEC in Jakarta that we would begin the official process of examining U.S. accession to ASEAN's Treaty of Amity and Cooperation (TAC).

¶4. (SBU) The recent visa application by ASEAN Secretary General (SG) Dr. Surin Pitsuwan highlighted the diplomatically embarrassing potential of this issue. Dr. Surin, a former Thai foreign minister, needed a U.S. visa in a very short time frame, given his frequent travel for official business. The Consular Section duly informed Dr. Surin's office that he was not exempt from any of the regular visa requirements (interview, fingerprinting, and visa fee). ASEC officials were visibly upset by this, although Dr. Surin was graciously willing to come to the Embassy for a visa interview. In the end, on a tight turn-around, Consular issued Dr. Surin an "A" type visa based on a diplomatic note from the Embassy of Thailand (Surin holds a diplomatic passport from Thailand). This enabled us to avoid the embarrassing situation of requiring the highest-ranking ASEAN official to appear for an interview and fingerprinting, as well as pay a visa fee.

The Business Visa Program: An Interim Measure

¶5. (SBU) As an interim measure, Post has suggested to ASEC that it register with the Consular Section's business visa program. Registration in the program would grant ASEAN employees and their families the flexibility of applying on the first and third Wednesday of the each month without having to make an appointment.

This still does not eliminate the requirements of an interview and fingerprinting, and payment of the visa fee.
Post has not yet received a positive response to this suggestion from ASEC.

The Appropriate Solution: Recognition under the International Organizations Immunities Act

¶6. (SBU) Officials of international organizations normally qualify for "G" visas. G visas are given only to those international organizations that are designated under the International Organizations Immunities Act. Unfortunately, the President cannot issue an executive order designating ASEAN under the International Organizations Immunities Act, because the United States is not a member. However, Congress can enact special legislation to authorize the President to extend the privileges and immunities to international organizations to which the U.S. does not belong. Prior to ASEAN adopting a Charter, this was a moot point. However, the newly adopted Charter gives ASEAN a legal personality and formalizes it as an international organization.

Change Sends Smart Political Signal

¶7. (SBU) Updating our rules to recognize ASEAN as an international organization will reflect reality and help for political and strategic reasons. As a "Dialogue Partner", the United States is deepening its political engagement with ASEAN. This was underscored by Secretary Clinton's February visit to ASEC. Recognizing ASEAN as an international organization would be a smart political step that underscores our commitment to ASEAN. It would also serve the practical purpose of easing the visa process for ASEAN officials.

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¶8. (SBU) Action request: Post asks the Department to work with Congress so that the privileges and immunities available under the International Organizations Immunities Act are also extended to ASEAN.

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